

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TIMOTHY NOLL, individually and on behalf
of similarly situated individuals,

Court File No. 1:15-cv-00493-LEW

Plaintiff,

v.

FLOWERS FOODS, INC., LEPAGE
BAKERIES PARK, STREET LLC, and CK
SALES CO., LLC,

NOTICE OF APPEAL

Defendants.

NOTICE IS HEREBY GIVEN that Plaintiff Timothy Noll appeals to the United States Court of Appeals for the First Circuit from the final judgment entered in this action on August 4, 2020.

Plaintiff reserves the right to challenge the finality of the judgment in this matter, to raise objections against waiver or premature appeal of claims that have yet to be litigated to final judgment, and any corresponding relief relating to appellate jurisdiction. *See Watchtower Bible & Tract Soc’y of New York, Inc. v. Colombani*, 712 F.3d 6, 11 (1st Cir. 2013). Plaintiff submits this notice of appeal without prejudice to his Unopposed Motion to Set Aside Final Judgment and Request for a Telephonic Status Conference (Doc. No. 279) pursuant to Rules 60(b)(1) and 60(b)(6) of the Federal Rules of Civil Procedure. *See Andrews v. MSBC Bank USA, N.A.*, 296 F. Supp. 3d 353, 355 (D. Mass. 2017) (holding that notice of appeal, in accordance with Appellate Rule 4(a)(4)(A), did not divest district court of jurisdiction to decide post-judgment motion). Plaintiff further reserves the right to amend this Notice of Appeal pursuant to Rule 4(a)(4)(B) of the Federal Rules of Appellate Procedure.

Dated: September 2, 2020.

Respectfully submitted,

/s/ Shawn J. Wanta

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CERTIFICATE OF SERVICE

I, Shawn J. Wanta, hereby certify that on September 2, 2020, I filed the foregoing via the Court's CM/ECF system, which provided notice of this filing to all counsel of record.

/s/ Shawn J. Wanta

SHAWN J. WANTA

COUNSEL FOR PLAINTIFF